

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN SCOTT TORGERSON,

Plaintiff,

v.

GRANT LEAVIT, et al.

Defendants.

CASE NO. C11-900RAJ

ORDER

This matter comes before the court on the parties' stipulation to bifurcate the trial into three phases: (1) liability of individual defendants, (2) municipal liability, and (3) damages. Dkt. # 37. The parties readily admit that there will be overlapping evidence, and that evidence of damages would be allowed during the first phase and evidence of injuries suffered by plaintiff that were caused by alleged excessive force would be allowed in the third phase. The parties have not satisfied Rule 42(b), which provides that for "convenience, to avoid prejudice, or to expedite and economize, the court may order a separate trial of one or more separate issues, claims, crossclaims, counterclaims, or third-party claims." Fed. R. Civ. P. 42(b). Rather than economize and expedite, the bifurcation would prolong the trial, result in inefficiency and result in inconvenience for

1 the empanelled jury and the court's schedule. Additionally, neither party has
2 demonstrated prejudice that would justify a bifurcation.

3 For all the foregoing reasons, the stipulation is DENIED.

4 Dated this 12th day of April, 2013.

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7 The Honorable Richard A. Jones
8 United States District Judge
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